



PATENT  
Docket No. 358281.00100

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of:  
KRESS, Mark, et al.  
Serial No: 10/606,809  
Filed: 26 June 2003  
For: Applicator for Hair Building Solids

Art Unit: 3732  
Examiner: not assigned

I hereby certify that this correspondence is being deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to:

Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450, on  
21 April 2004

Date of Deposit

Heather Centurioni

Name

**Request to Correct Inventorship under 37 C.F.R. § 1.48(a)**

Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Dear Sir:

Assignee, Spencer Forrest, Inc., requests the addition of one David Earnest to the inventorship of the above-referenced application. The omission of Mr. Earnest from inventorship was made without deceptive intent.

Inventorship of this application should read:  
Mark KRESS and David EARNEST.

In support of this addition the following documents are attached hereto:

- 1) Consent of Assignee, Spencer Forrest, Inc, to this change;
- 2) Statement by Mr. Earnest of lack of deceptive intent.
- 3) A Declaration signed by Mr. Earnest.

Mr. Earnest has also executed an assignment in favor of Spencer Forrest, Inc. A copy of this assignment is included for the Examiner's information, but the actual assignment is being separately submitted to the Assignment Branch.


You are hereby authorized to charge any fees due and refund any surplus fees to our Deposit Account No. 50- 2567. Please reference Docket No. 358281.00100. A duplicate of this document is enclosed for that purpose.

Respectfully submitted,

REED SMITH LLP

Date: 21 April 2004

By: \_\_\_\_\_

  
Stefan J. Kirichanski  
Registration No. 36,568  
Attorney for Applicants

1901 Avenue of the Stars, Suite 700  
Los Angeles, CA 90067  
Telephone: (310) 734-5200  
Facsimile: (310) 734-5299



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In re application of:

KRESS, Mark, et al.

Serial No: 10/606,809

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**Assignee Statement under 37 C.F.R. §1.48(a)**

Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Dear Sir:

I, Mark Kress, President of Spencer Forest, Inc., assignee of the above-referenced invention by an assignment recorded on 26 June 2003 at reel/frame 014241/0166 do hereby consent to the addition of David Earnest to the inventorship of the above-reference invention.

Respectfully submitted,

SPENCER FOREST, INC.

Date:

*April 13, 2004*

By: \_\_\_\_\_

Mark Kress  
President



PATENT  
Docket No. 358281.00100

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In re application of:  
KRESS, Mark, et al.  
Serial No: 10/606,809  
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For: Applicator for Hair Building Solids

Art Unit: 3732  
Examiner: not assigned

**Inventor Statement under 37 C.F.R. § 1.48(a)**

Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Dear Sir:

I, David Earnest, co-inventor of the above-referenced invention hereby state and confirm that I am an inventor of this invention and my name was omitted from the originally filed declaration without deceptive intent.

Sincerely,

Date: April 5, 2004

David Earnest



PATENT (U.S.A.)  
ATTORNEY'S DOCKET NO.  
358281.00100

**DECLARATION  
and POWER OF ATTORNEY**

☒ ORIGINAL  
☐ CONTINUATION ☐ CONTINUATION-IN-PART  
☐ DIVISIONAL

As a below named inventor, I declare that the information given herein is true, that I believe that I am the original, first and sole inventor (if only one name is listed as 1 below) or an original, first and joint inventor (if plural names are listed below) of the subject matter which is claimed and for which a patent is sought on the invention entitled:

APPLICATOR FOR HAIR BUILDING SOLIDS,

the specification of which is attached hereto unless the following box is checked:

☒ was filed on June 26, 2003 as United States Application Number or PCT International Application Number 10/606,809 and was amended on

My residence, post office address and citizenship are as stated below next to my name.

I acknowledge my duty to disclose information which is material to the patentability of this application in accordance with Title 37, Code of Federal Regulations § 1.56(a).

I hereby state that I have reviewed and understand the contents of the above identified specification, including the claims, as amended by any amendment referred to above.

I hereby claim foreign priority benefits under Title 35, United States Code, § 119 of any foreign application(s) for patent or inventor's certificate listed below and have also identified below any foreign application for patent or inventor's certificate having a filing date before that of the application on which priority is claimed:

**PRIOR FOREIGN APPLICATION(S)**

COUNTRY	APPLICATION NUMBER	DATE OF FILING Month Day Year	PRIORITY CLAIMED UNDER 35 U.S.C. 119
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I hereby claim the benefit under Title 35, United States Code, §120 of any United States application(s) listed below and, insofar as the subject matter of each of the claims of this application is not disclosed in the prior United States application in the manner provided by the first paragraph of Title 35, United States Code § 112, I acknowledge the duty to disclose information which is material to patentability as defined in Title 37, Code of Federal Regulations, § 1.56(a) which occurred between the filing date of the prior application and the national or PCT international filing date of this application.

(Application Serial No.)

(Filing Date)

(Status)

**POWER OF ATTORNEY:** As a named inventor, I hereby appoint the following attorney(s) and/or Agent(s) to prosecute this application and transact all business in the Patent and Trademark Office connected therewith, and to insert on this document any further identification which may be necessary or desirable in order to comply with the rules of the United States Patent and Trademark Office and any Patent Office concerned.

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REED SMITH CROSBY HEAFEY  
1901 Avenue of the Stars, Suite 700  
Los Angeles, CA 90067

**DIRECT TELEPHONE  
CALLS TO:**  
Stefan J. Kirchanski  
310-734-5403

(Please Print)

1	Name of Inventor	Residence: CITY	STATE or COUNTRY
	David EARNEST	Los Angeles	California
	Post Office Address	CITIZENSHIP	
	7270 Franklin Avenue #131 Los Angeles, California 90046	US	
2	Name of Inventor	Residence: CITY	STATE or COUNTRY
	Mark KRESS	Westport	Connecticut
	Post Office Address	CITIZENSHIP	
	62 Clapboard Hill Road, Westport, CT 06890	US	
3	Name of Inventor	Residence: CITY	STATE or COUNTRY
	Post Office Address	CITIZENSHIP	
4	Name of Inventor	Residence: CITY	STATE or COUNTRY
	Post Office Address	CITIZENSHIP	

I further declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code, and that such willful false statements may jeopardize the validity of the application or any patent issuing thereon.

SIGNATURE OF INVENTOR 1	SIGNATURE OF INVENTOR 2
DATE 1-16-04	DATE
SIGNATURE OF INVENTOR 3	SIGNATURE OF INVENTOR 4
DATE	DATE

## ASSIGNMENT

(1-8) *Insert Name(s) of Inventor(s)* (1) David EARNEST (4)  
 (2) (5)  
 (3) (6)

In consideration of the sum of one dollar (\$1.00) and other good and valuable considerations paid to each of the undersigned, the undersigned agree(s) to assign, and hereby does assign, transfer and set over to

(9) *Insert name of Assignee* (9) Spencer Forrest, Inc.  
 (10) *Insert state of Incorporation of Assignee* (10) Delaware  
 (11) *Insert address of Assignee* (11) of 644 Post Road West Westport, CT 06880  
 (hereinafter designated as the Assignee) the entire worldwide right, title and interest in the invention known as  
 (12) *Insert identification of Invention, such as Title, Case Number or Foreign Application Number* (12) APPLICATOR FOR HAIR BUILDING SOLIDS, 10/606,809  
 for which the undersigned has (have) executed an application for patent in the United States of America or under the Patent Cooperation Treaty and all patent applications in foreign countries corresponding thereto or based thereon.  
 (13) *Insert Date of Signing of Application* (13) on \_\_\_\_\_

1) The undersigned agree(s) to execute all papers necessary in connection with any original, reissue, divisional and continuing United States, international and foreign applications for the above-identified invention and also to execute separate assignments in connection with such applications as the Assignee may deem necessary or expedient.

2) The undersigned agree(s) to execute all papers necessary in connection with any interference which may be declared concerning this application or continuation or division thereof and to cooperate with the Assignee in every way possible in obtaining evidence and going forward with such interference.

3) The undersigned agree(s) to execute all papers and documents and perform any act which may be necessary in connection with claims or provisions of the International Convention for Protection of Industrial Property or similar agreements.

4) The undersigned agree(s) to perform all affirmative acts which may be necessary to obtain a grant of a valid United States patent to the Assignee.

5) The undersigned hereby authorize(s) and request(s) the  
☒ Commissioner of Patents ☐ Patent Office ☒ the Patent Office of any foreign or designated country to issue any and all Letters Patents of  
☒ the United States ☐ any foreign or designated country  
 resulting from said application or any division or divisions or continuing applications thereof to the said Assignee, as Assignee of the entire interest, and hereby covenants that he has (they have) full right to convey the entire interest herein assigned, and that he has (they have) not executed any agreement in conflict herewith.

6) The undersigned hereby appoints Stefan J. Kirchanski, Reg. No. 36,568; Nathan P. Koenig, Reg. No. 38,210; Doyle B. Johnson, Reg. No. 39,240; John W. Carpenter, Reg. No. 39,129; and Tobi C. Clinton, Reg. No. 43,553, Julie McCloskey, Reg. No. 47,799 and all of REED SMITH LLP. the power to insert on this assignment any further identification which may be necessary or desirable in order to comply with the rules of

☒ the United States Patent and Trademark Office ☒ any Patent Office concerned for recordation of this document.

Date: 1-16-04 Signature of Inventor 1 \_\_\_\_\_

Date: \_\_\_\_\_ Signature of Inventor 2 \_\_\_\_\_

Date: \_\_\_\_\_ Signature of Inventor 3 \_\_\_\_\_

Date: \_\_\_\_\_ Signature of Inventor 4 \_\_\_\_\_

Date: \_\_\_\_\_ Signature of Inventor 5 \_\_\_\_\_

Date: \_\_\_\_\_ Signature of Inventor 6 \_\_\_\_\_